

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

ERIC WALLACE, et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:21-CV-516-CWR-LGI

**MISSISSIPPI DEPARTMENT OF
CORRECTIONS, et al.**

DEFENDANTS

MOTION FOR AGREED PROTECTIVE ORDER

COME NOW, Defendants Mississippi Department of Corrections, Nathan “Burl” Cain, in his official capacity as Commissioner of the Mississippi Department of Corrections, Jeworski Mallett, in his official capacity as Deputy Commissioner of Institutions, and Donald Faucett, in his official capacity as Chief Medical Officer and hereby file this Motion for Agreed Protective Order and would show unto the Court as follows:

1. The parties agree that during discovery it may be necessary to disclose certain confidential information relating to the subject matter of this action. They agree that certain categories of such information should be treated as confidential, protected from disclosure outside this litigation and used only for purposes of prosecuting or defending this action and any appeals. The parties jointly request entry of this proposed Protective Order to limit the disclosure, dissemination, and use of certain identified categories of confidential information. Additionally, this Agreed Protective Order is intended to comply with the Health Insurance Portability and Accountability Act (“HIPAA”), which provides that a qualified protective order may

be issued by a court “with respect to protected health information...” 4.45 CFR § 164.512(e)(1)(v).

2. The parties also assert in support of their request that protection is necessary because this is a civil rights action brought under 42 U.S.C. § 1983 as well as Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, and some of the documents which may be produced in this case may contain confidential medical, employment, personal, trade secrets, and/or other information regarding inmates and current and/or former employees of Defendants, Mississippi Department of Corrections and/or Vitalcore Health Strategies, LLC. Moreover, some of the documents may contain information, policies, or procedures that implicate security and safety concerns related to the safe operation of Mississippi’s prisons.

WHEREFORE PREMISES CONSIDERED, with the parties agreeing thereto and for good cause shown under Fed. R. Civ. P. 26(c) and 45 C.F.R. § 164.512, the parties request that the Court enter an Agreed Protective Order in this matter.

DATE: JANUARY 20, 2023

**MISSISSIPPI DEPARTMENT OF
CORRECTIONS, NATHAN “BURL” CAIN,
in his official capacity as Commissioner of
the Mississippi Department of Corrections,
JEWORSKI MALLETT, in his official
capacity as Deputy Commissioner of
Institutions, DONALD FAUCETT, in his
official capacity as Chief Medical Officer**

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/s/ J. Chadwick Williams

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the ECF system which provided notice to all counsel of record.

This, the 20th day of January 2023.

/s/ J. Chadwick Williams

